
Appeal Decision

Site visit made on 10 March 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/W4705/W/24/3355928

2 Mavis Street, Bradford BD3 9DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Miah of Richmond Real Estate Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/03111/FUL.
 - The development proposed is change of use from shop to 2 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed change of use has already been implemented, although the Council contends that the converted flats differ from those shown on the submitted drawings as the basement storage areas are being used as bedrooms. The Council also refers to a flat on the first and second floors ('Flat 3' in the officer's report) however this flat is not part of the proposed scheme and consequently falls outside the scope of this appeal. I have consequently proceeded on the basis of the submitted drawings and determined this appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the living conditions of existing and future occupants, with particular regards to the provision of adequate internal and communal spaces.

Reasons

4. The flats would be over two levels. The plans show Studio 1 as having a shower room and open-plan bedroom and kitchen area on the ground floor with a second shower room and storage space in the basement area. Studio 2 would have a separate kitchen and bedroom on the ground floor and a shower room and storage space in the basement. The Technical Housing Standards – Nationally Described Space Standard (NDSS) sets the minimum gross internal floor area for a 2-storey dwelling at 58 square metres.
5. The appellant states that the floorspace of the two flats would be 44 and 45 square metres. Even if Studio 1 was considered to be a single-storey dwelling, as it would contain the bedroom, kitchen and shower room on the ground floor, the floorspace of the ground floor would be approximately 30 square metres. The NDSS sets the minimum internal floor area for a 1-storey dwelling for one person, with a shower

room instead of a bathroom, as 37 square metres. Studio 2 could not be considered as a 1-storey dwelling as the bedroom, kitchen and shower room are not on the same floor.

6. The open-plan bedroom area in Studio 1 would be acceptable, as the NDSS does not require furnished layouts to demonstrate compliance with the space standards. However, the two flats would nevertheless each fall significantly short of the minimum internal floor area set out in the NDSS. The flats would therefore be small and cramped, and as such would fail to provide adequate living conditions for existing and future occupants.
7. Studio 2 would be served by a large window at the front, while glazing in and above the entrance door would provide a degree of light at the rear of the room. Although the bedroom spans the entire depth of the building, I am satisfied that the existing window and door would provide adequate light to the room.
8. There is a small communal yard area at the rear of the property adjacent to the entrance door for Studio 2. The yard is also used for bin storage and the drying of clothes. Although the yard space is limited, the appeal site is within walking distance of the public green space at Seymour Park and other community facilities. Consequently, there would be sufficient communal space at the appeal site and nearby.
9. However, the small and cramped nature of the flats would cause harm to the living conditions of existing and future occupants. The proposal would therefore conflict with Policies HO9 and DS5 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017), insofar as they require that new homes should provide suitable space standards appropriate to the type of home and that development proposals should not harm the amenity of existing and future users.

Planning Balance and Conclusion

10. The Council is unable to demonstrate the supply of housing sites required by the National Planning Policy Framework (the Framework). Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
11. The proposal would cause harm to the living conditions of existing and future occupants, and I give this matter substantial weight. This would also conflict with the Framework, specifically where it is concerned with the provision of a high standard of amenity for existing and future users in section 12. The provision of two additional units would make a small meaningful difference to the existing supply. Economic advantages would also arise from the occupation of the flats, although these would be limited by the scale of the scheme. I would therefore ascribe limited weight to these matters. Consequently, it is sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

The presumption in favour of sustainable development does not therefore apply in this particular case.

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR